

<p>Attorney or Party Name, Address, Telephone &amp; FAX Nos., State Bar No. &amp; Email Address</p> <p>DAVID B. GOLUBCHIK (State Bar No. 185520) TODD M. ARNOLD (State Bar No. 221868) JONATHAN D. GOTTLIEB (State Bar No. 339650) LEVENE, NEALE, BENDER, YOO &amp; GOLUBCHIK L.L.P. 2818 La Cienega Avenue Los Angeles, California 90034 Telephone: (310) 229-1234 Facsimile: (310) 229-1244 Email: dbg@lnbyg.com; tma@lnbyg.com; jdg@lnbyg.com Attorneys for Crestlloyd, LLC</p> <p><input type="checkbox"/> <i>Individual appearing without attorney</i> <input type="checkbox"/> <i>Attorney for: Crestlloyd, LLC</i></p>		<p>FOR COURT USE ONLY</p>	
<p><b>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION</b></p>			
<p>In re:</p> <p>CRESTLLOYD, LLC,</p> <p>Debtor(s).</p>		<p>CASE NO.: 2:21-bk-18205-DS CHAPTER: 11</p> <p><b>AMENDED APPLICATION FOR ORDER SETTING HEARING ON SHORTENED NOTICE [LBR 9075-1(b)]</b></p>	

1. Movant applies under LBR 9075-1(b) for an order setting a hearing on shortened notice on the following motion:
  - a. Title of motion: MOTION FOR AUTHORITY TO DISBURSE FUNDS TO HANKEY CAPITAL, LLC
  - b. Date of filing of motion: May 24, 2022
2. Compliance with LBR 9075-1(b)(2)(A): (***The following three sections must be completed***):
  - a. Briefly specify the relief requested in the motion:

Hankey Capital, LLC holds a first priority lien to secure an obligation in the principal amount of \$82.5 million. Although the Debtor sought to pay this obligation at the time of the sale hearing, Inferno objected. The Debtor understands that Inferno and Yogi now consent to the payment of principal only to avoid accrual of interest at the rate of over \$36,000 per day. Pursuant to the accompanying Motion, the Debtor seeks to authority to pay to Hankey principal, interest, fees and costs (excluding attorneys' fees and alleged protective advances at this time), which amount totals approximately \$103,837,563.86.

- b. Identify the parties affected by the relief requested in the motion:

Hankey Capital, LLC, Inferno Investments, Inc., and Yogi Securities Investments, LLC  
Please note that all of these parties have consented to a hearing the Motion on shortened time without prejudice to asserting substantive objections to the Motion. Hilddun also asserts a secured claim junior to the foregoing. The Debtor does not believe Hilddun will oppose a hearing on shortened notice or the relief requested in the Motion.

- c. State the reasons necessitating a hearing on shortened time:

Interest on the first loan accrues at the rate of approximately \$36,666.67 per day, thereby impairing junior interests and, potentially, unsecured creditors. If the Motion is heard on 21 days' notice, an additional approximately \$770,000 in interest will accrue. The Debtor seeks to minimize such accrual of interest.

PLEASE NOTE THAT TOM GEHER, COUNSEL FOR HANKEY, ADVISED DEBTOR'S COUNSEL THAT DUE TO A DEATH IN HIS FAMILY, MR. GEHER WILL BE AT A FUNERAL AND, THEREFORE, UNAVAILABLE ON FRIDAY, MAY 27, 2022.

3. Compliance with LBR 9075-1(b)(2)(B): The attached declaration(s) justifies setting a hearing on shortened notice, and establishes a *prima facie* basis for the granting of the motion.
4. Movant has lodged a proposed Order Setting Hearing on Shortened Notice on mandatory form F 9075-1.1.ORDER .SHORT.NOTICE

Date: 05/24/2022

Levene, Neale, Bender, Yoo & Golubchik L.L.P.  
Printed name of law firm

s/ David B. Golubchik  
Signature of individual Movant or attorney for Movant

David B. Golubchik  
Printed name of individual Movant or attorney for Movant

**DECLARATION OF DAVID B. GOLUBCHIK**

I, David B. Golubchik, hereby declare as follows:

1. I am over 18 years of age. Except where otherwise stated, I have personal knowledge of the facts set forth below and, if called to testify, would and could competently testify thereto.

2. I am a partner of Levene, Neale, Bender, Yoo & Golubchik L.L.P, bankruptcy counsel to Crestlloyd, LLC, the debtor and debtor in possession in the above-captioned Chapter 11 bankruptcy case (the "Debtor").

3. I submit this Declaration in support of the attached application (the "Application") requesting that the Court hold a hearing on March 26, 2022 on the concurrently filed motion (the "Motion") described in the Application. All capitalized but undefined terms herein shall have the same meanings ascribed to them in the Application and Motion.

4. As set forth in the declaration of Lawrence R. Perkins attached to and in support of the Motion (the "Perkins Declaration"), Hankey Capital, LLC ("Hankey") holds a first priority lien to secure an obligation in the principal amount of \$82.5 million. Although the Debtor sought to pay this obligation at the time of the sale hearing, Inferno Investments, Inc. ("Inferno") objected. I understand that Inferno and Yogi now consent to the payment of principal only to avoid accrual of interest at the rate of over \$36,000 per day. Pursuant to the Motion, the Debtor seeks to authority to pay to Hankey principal, interest, fees and costs (excluding attorneys' fees and alleged protective advances at this time), which amount totals approximately \$103,837,563.86.

5. I believe that the parties affected by the relief requested in the Motion are Hankey, Inferno, and Yogi Securities Investments, LLC. These parties have consented to a hearing the Motion on shortened time without prejudice to asserting substantive objections to the Motion. Hildun also asserts a secured claim junior to the foregoing. I do not believe Hildun will oppose a hearing on shortened notice or the relief requested in the Motion.



## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 2818 La Cienega Avenue, Los Angeles, CA 90034

A true and correct copy of the foregoing document entitled **APPLICATION FOR ORDER SETTING HEARING ON SHORTENED NOTICE [LBR 9075-1(b)]** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **May 24, 2022**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- Kyra E Andrassy kandrassy@swelawfirm.com, lgarrett@swelawfirm.com;gcruz@swelawfirm.com;jchung@swelawfirm.com
- Todd M Arnold tma@lnbyg.com
- Jerrold L Bregman jlbregman@bg.law, ecf@bg.law
- Marguerite Lee DeVoll mdevoll@watttieder.com, zabrams@watttieder.com
- Karol K Denniston karol.denniston@squirepb.com, travis.mcroberts@squirepb.com;sarah.conley@squirepb.com;karol-k-denniston-9025@ecf.pacerpro.com
- Oscar Estrada oestrada@ttc.lacounty.gov
- Danielle R Gabai dgabai@danninggill.com, dgabai@ecf.courtdrive.com
- Thomas M Geher tmg@jmbm.com, bt@jmbm.com;fc3@jmbm.com;tmg@ecf.inforuptcy.com
- David B Golubchik dbg@lnbyg.com, stephanie@lnbyb.com
- James Andrew Hinds jhinds@hindslawgroup.com;mduran@hindslawgroup.com, mduran@hindslawgroup.com
- Robert B Kaplan rbk@jmbm.com
- Jane G Kearl jkearl@watttieder.com
- Jennifer Larkin Kneeland jkneeland@watttieder.com, zabrams@watttieder.com
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- Lindsey L Smith lls@lnbyb.com, lls@ecf.inforuptcy.com
- United States Trustee (LA) ustregion16.la.ecf@usdoj.gov
- Genevieve G Weiner gweiner@sidley.com, laefilingnotice@sidley.com;genevieve-weiner-0813@ecf.pacerpro.com

- Jessica Wellington jwellington@bg.law, ecf@bg.law

**2. SERVED BY UNITED STATES MAIL:** On **May 24, 2022**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

None.

☐ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **May 24, 2022**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

**SERVED BY OVERNIGHT MAIL,**

Amy P. Lally, Esq.  
Sidley Austin LLP **RSN**  
1999 Avenue of the Stars, 17th Floor  
Los Angeles, CA 90067

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

May 24, 2022	Lourdes Cruz	/s/ Lourdes Cruz
<i>Date</i>	<i>Type Name</i>	<i>Signature</i>